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2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

17 July 2000

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Main Committee II

Summary record of the 6th meeting

Held at Headquarters, New York, on Wednesday, 10 May 2000, at 10.35 a.m.

Chairman: Mr. Kobieracki ..... (Poland)

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Other matters

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The meeting was called to order at 10.35 a.m.

Exchange of views (*continued*)

1. **The Chairman** invited the Committee to resume its first reading of the Chairman's draft of the report of Main Committee II (NPT/CONF.2000/MC.II/___), leaving aside the section on export controls and all action-oriented recommendations on the subject. There it had been felt that a compromise solution could best be achieved if they were dealt with in informal, open-ended consultations; and he had asked Mr. Schmidt of Austria to direct those consultations. Accordingly, the Committee would continue its consideration of the paragraphs in the section on conclusions and recommendations.

Paragraph 15

2. **Mr. Turner** (Slovakia) proposed inserting, in the last sentence, the phrase "in an effective and efficient manner" between the words "will provide" and "increased confidence".

3. **Mr. Papadimitropoulos** (Greece) said that it was not correct to state in the final sentence that the measures in the Model Additional Protocol had now become an integral part of the IAEA safeguards system, because as yet they had not.

4. **Mr. Raja Adnan** (Malaysia) said that the members of the Movement of Non-Aligned Countries had accordingly, in document NPT/CONF.2000/MC.II/CRP.7, proposed replacing the words "have now" in the last sentence of paragraph 15 with the words "will eventually".

5. **Mr. Neve** (United Kingdom) said that the expression "will eventually" was too cautious, because the measures were in the process of being introduced. His delegation proposed instead substituting the phrase "are now being introduced as" for the phrase "have now become".

6. **Mr. Hosseini** (Islamic Republic of Iran) said that there were repetitions in the wording of paragraphs 15, 16 and 18 that required editorial revision.

7. **Mr. Fernandes** (Brazil) proposed replacing the term "wider access" in the second sentence of paragraph 15 by the term "complementary access" in keeping with the wording of the Model Additional Protocol.

Paragraph 16

8. **Mr. Neve** (United Kingdom) said that it was not clear what was meant by the expression "symbiotic relationship" in the third sentence, and that it would probably be safest to keep to the language of article 1 of the Model Additional Protocol.

Paragraph 17

9. **Mr. Raja Adnan** (Malaysia) said that, in document NPT/CONF.2000/MC.II/CRP.7, the non-aligned countries, bearing in mind that one of the arguments put forward by the International Atomic Energy Agency (IAEA) was that the measures in the Model Additional Protocol would eventually result in a reduction in the level of traditional verification, had proposed replacing the words "corresponding changes" in the third sentence by the words "eventual reduction".

10. **Mr. Turner** (Slovakia) proposed that, in the same sentence, the expression "increased confidence" should be replaced by the expression "credible assurance". The current full-scope safeguards offered a certain level of assurance, and the Model Additional Protocol would provide increased assurance. The goal should therefore be that the integrated system would in the future provide a credible assurance.

11. **Mr. Papadimitropoulos** (Greece) proposed that, at the beginning of the paragraph, the Conference should not simply note the high priority that IAEA attached to an integrated system, but rather endorse it.

Paragraph 18

12. **Mr. Zahran** (Egypt), supported by **Mr. Hosseini** (Iran) and **Mr. Markram** (South Africa), said that, as proposed by the non-aligned countries in their conference room paper, the words "all non-nuclear-weapon States parties" in the first sentence should be replaced by the words "all States parties".

13. **Mr. Papadimitropoulos** (Greece) said that the expression "to conclude and bring into force" in the last sentence was redundant and should be replaced by the phrase "implement as soon as possible".

14. **Mr. Rosenthal** (United States of America) said that the final sentence in paragraph 18 was action-oriented and should therefore be moved to the section in the Chairman's draft containing action-oriented recommendations. The same applied to the

recommendations to be found in paragraphs 10, 11, 14, 18, 25, 26, 27, 40 and 41. Regarding the amendment proposed by Egypt, if the adjective "non-nuclear-weapon" was deleted, the Conference's recognition at the beginning of the first sentence no longer made sense.

15. **Mr. Neve** (United Kingdom) said that his delegation supported the proposal of the United States regarding paragraph 18. The second sentence of the paragraph did not accurately reflect the situation and should be replaced by the following text: "The Conference also recognizes that the interests of nuclear non-proliferation will be effectively served by the acceptance of relevant IAEA safeguards strengthening measures by countries with item-specific safeguards agreements."

16. **Mr. Kuchinov** (Russian Federation) said that his delegation could not agree with the proposal of Egypt, but supported the suggestion by the United States.

17. **Mr. Casterton** (Canada) said that, in the understanding of his delegation, the United States proposal was intended to encourage States to conclude protocols as soon as possible. In its view, the reference to non-nuclear-weapon States was accurate, and the case of the nuclear-weapon States was covered in the last sentence of the paragraph. The use of the term "universally" in the fifth line might be problematic, however, and could be deleted.

Paragraph 19

18. **Mr. Rosenthal** (United States of America) said that the addition to paragraph 19 of the text proposed in the conference room paper submitted by the Movement of Non-Aligned Countries (NPT/CONF.2000/MC.II/CRP.7 would not represent a commitment by the nuclear-weapon States, and therefore, it should not be included.

19. **Mr. Zahran** (Egypt), supported by **Mr. Hosseini** (Islamic Republic of Iran) said that the following sentence should be added at the end of the paragraph: "The nuclear-weapon States should also commit themselves not to enter into any kind of nuclear technical cooperation with non-States parties to the NPT directly or indirectly."

20. **Mr. Kuchinov** (Russian Federation), supported by **Mr. Neve** (United Kingdom) and **Mr. Pinel** (France) said that the part of the paragraph after the phrase "nuclear-weapon States" in the first line should be replaced by "in accordance with article I".

Paragraph 20

21. **Mr. Ikeda** (Japan) said that the reference to "nuclear supplies" in the second line of the paragraph was ambiguous. The Group of 10 confirmed in that paragraph that they were referring to nuclear material supplied to nuclear-weapon States. In order to make that clear, he proposed that the first sentence should be replaced by the following: "The Conference recognizes that nuclear materials supplied to nuclear-weapon States for peaceful purposes should not be diverted for the production of nuclear weapons and other explosive devices.".

22. Any loopholes in the application of safeguards to peaceful uses in nuclear-weapon States could also be closed by adding the following text to the end of the paragraph: "Comprehensive safeguards and additional protocols should be universally applied once the complete elimination of nuclear weapons has been achieved. In the meantime, the Conference calls for wider application of safeguards to peaceful nuclear facilities in the nuclear-weapon States under the relevant voluntary offer safeguards agreements in the most economic and practical way possible, taking into account the availability of IAEA resources.".

23. **Mr. Fu Zhigang** (China) said that the NPT contained specific provisions governing the peaceful nuclear imports of nuclear-weapon States. Therefore, the second sentence was not necessary and should be deleted.

Paragraph 21

24. **Mr. Zahran** (Egypt) said that it was a matter of course for nuclear-weapon States to conclude additional protocols to the voluntary offer safeguards agreements. Therefore, there was no need to express appreciation for those actions. The proposals contained in the conference room paper submitted by the Movement of Non-Aligned Countries had sought to include all measures capable of contributing to the non-proliferation and effective aims of the Model Additional Protocol.

25. **Mr. Neve** (United Kingdom), supported by **Mr. Kuchinov** (Russian Federation) and **Mr. Pinel** (France) said that the last sentence of the paragraph implied that States under the Model Protocol had not done what was

required of them, which was not the case. The sentence, therefore, was unnecessary and should be deleted.

26. **Mr. Biggs** (Australia), supported by **Mr. Ikeda** (Japan), **Mr. Casterton** (Canada), **Mr. Raja Adnan** (Malaysia) and **Mr. Delhaye** (Belgium) said that many delegations wished to see the additional protocols applied as widely as possible, and no criticism was implied by that sentence. The sentence could be reworded to encourage nuclear-weapon States to keep the scope of their additional protocols under review. That would take into account the fact that non-proliferation was an evolving matter with disarmament as its eventual objective. The five nuclear-weapon States had, in examining their options under the additional protocols, come to different conclusions about what could be done, but circumstances could still change and those Governments would continue to review the situation.

Paragraph 22

27. **Mr. Fu Zhigang** (China) said that paragraph 22 dealt with disarmament, which was not within the purview of the Committee, and furthermore, was being discussed in Main Committee I. Therefore, it should be deleted.

28. **Mr. Biggs** (Australia) said that he understood the concern of China regarding overlap in the work of the Main Committees, but that his delegation saw the cessation of production of fissile material as a non-proliferation matter. It was appropriate for the Committee to note the voluntary moratoriums on fissile material production instituted by many States.

29. **Mr. Kuchinov** (Russian Federation) said that his delegation had no objection to the content of the paragraph, but agreed with China that it was not in the proper context.

Paragraphs 23 to 25

30. **Mr. Zahran** (Egypt), supported by **Mr. Hosseini** (Islamic Republic of Iran) drew attention to the proposal of the Movement of Non-Aligned Countries regarding paragraph 25: the remainder of the second sentence after the word "urges" should be replaced by the phrase "that excess nuclear material in military stockpiles and nuclear material removed from nuclear weapons as a result of nuclear weapons reduction agreements should be placed under IAEA verification".

31. **Mr. Fernandes** (Brazil) supported by **Mr. Yturriaga** (Spain) and **Mr. Bompadre** (Argentina) said that, while Brazil supported the activities mentioned in paragraph 25, it was not fair to expect his country, which had renounced the nuclear option, to bear the costs of such arrangements. Therefore, the phrase "and be financed primarily by the nuclear-weapon States" should be added to the end of the paragraph.

32. **Mr. Rosenthal** (United States of America), regarding the addition proposed by Egypt for the Movement of Non-Aligned Countries, recalled that such verification activities would be precluded by his country's obligations under article I of the NPT. Therefore, the proposal could not be accepted. Financing for the arrangements should be worked out at IAEA.

33. **Mr. Fu Zhigang** (China) suggested that paragraph 25 could be replaced by the first part of paragraph 13 of the 1995 Principles and Objectives.

34. **Mr. Kuchinov** (Russian Federation) said that the word "underlines" in the first line of paragraph 25 should be replaced by "notes" and the word "military" in the second line should be deleted. He also proposed that the rest of the paragraph after the phrase "IAEA verification arrangements" should be deleted. His delegation supported the statement by the United States on financing and on the proposal of Egypt.

35. **Mr. Neve** (United Kingdom) said that his delegation supported the statement by the United States, while it had some reservations about the last sentence of paragraph 25. The nature of voluntary offer safeguards agreements was at issue; such agreements did not legally provide for irreversibility. If that sentence was to be retained, it should read: "The verification arrangements should provide assurance of removal of fissile material from military to peaceful use.".

36. **Ms. Sriswasdi** (Thailand) said that she supported the statement by Brazil. Even though the financing details were to be worked out at IAEA, the matter should be discussed at the Conference first.

Paragraphs 26 and 27

37. **Mr. Ikeda** (Japan), supported by **Mr. Casterton** (Canada) said that the second sentence of paragraph 27 should be amended to read: "It further notes the

financial constraints under which the IAEA safeguards system has to function and calls upon all States parties, particularly nuclear-weapon States, to continue their political, technical and financial support of the IAEA safeguards system in order to ensure that the Agency is able to meet its increasing safeguards responsibilities.".

38. **Mr. Gerstler** (Germany) said that he supported the proposal by Japan and proposed that the word "substantial" in the first line of paragraph 27 should be deleted.

39. **Mr. Yturriaga** (Spain), supported by **Mr. Bernhardsen** (Norway), endorsed the proposal of the Japanese delegation.

40. **Mr. Kuchinov** (Russian Federation) proposed deleting the remainder of paragraph 27 after the expression "support of the IAEA" in the fifth line and endorsed the German delegation's proposal.

41. **Mr. Raja Adnan** (Malaysia) said that his delegation was satisfied with paragraph 27 as drafted but felt that the proposal of the Movement of Non-Aligned Countries should be incorporated therein.

42. **Mr. Neve** (United Kingdom) said that his delegation would support the Japanese delegation's proposal if the expression "particularly nuclear-weapon States" were deleted, bringing the amendment into line with the United States proposal.

Paragraphs 28 and 29

43. **The Chairman** drew attention to document NPT/CONF.2000/MC.II/CRP.7, which contained a drafting suggestion with regard to paragraph 29.

44. **Mr. Raja Adnan** (Malaysia) said that the expression "should not entail a decrease in the resources available" in the second line of paragraph 29 should be replaced with the phrase "should not affect the resources available for technical cooperation". In the third and fourth lines, the expression "should be compatible with the Agency's function" should be replaced with the phrase "it should be equitably emphasized with the Agency's statutory function".

45. **Mr. Kuchinov** (Russian Federation) said that, in the second line of paragraph 29, the phrase "other statutory responsibilities including" should be inserted between the words "for" and "technical".

46. **Mr. Zahran** (Egypt), referring to the first Malaysian proposal, suggested inserting the word "negatively" between the words "not" and "affect". At the end of paragraph 29, and in line with the proposal put forward by the Movement of Non-Aligned Countries, the word "and" between the words "uses" and "with" should be deleted and the word "unimpeded" should be inserted after the word "with".

47. **Mr. Kerma** (Algeria) said that his delegation supported the Malaysian delegation's proposal and the amendment proposed by the Movement of Non-Aligned Countries to the last sentence.

48. **Mr. Neve** (United Kingdom) proposed replacing the first sentence of paragraph 29 by the following text: "The Conference considers that the allocation of resources for the strengthening of IAEA safeguards should take account of the need to continue to devote adequate resources to technical assistance and cooperation.".

49. **Mr. Rosenthal** (United States of America) said that he supported the proposal by the United Kingdom, which could be combined with that of the Russian Federation.

50. **Mr. Hosseini** (Islamic Republic of Iran) said that his delegation supported the amendments proposed by the Movement of Non-Aligned Countries and by the Egyptian and Malaysian delegations.

51. **Mr. Delhaye** (Belgium) expressed support for the proposal of the United Kingdom.

52. **Mr. Fernandes** (Brazil) said that, while he was satisfied with paragraph 29 as drafted, the amendments proposed by Egypt and Malaysia to the first sentence would improve it considerably. The paragraph as a whole was essential to maintaining a balance between the verification and promotion activities of the Agency.

53. **Ms. Sriswasdi** (Thailand) and **Ms. Jorge-Cholula** (Mexico), said that they endorsed the Malaysian proposal.

54. **Mr. Pinel** (France) expressed support for the proposals by the United Kingdom and the Russian Federation.

55. **Mr. Casterton** (Canada) drew attention to the fact that paragraph 27 dealt with the issue of safeguards and that Main Committee III would cover resource issues for the other activities of the Agency.

Paragraphs 30 to 36

56. **The Chairman** drew attention to document NPT/CONF.2000/MC.III/CRP.7, which contained proposals with respect to paragraph 30.

57. **Mr. Papadimitropoulos** (Greece), supported by **Mr. Gerstler** (Germany) and **Ms. Raheem** (Syrian Arab Republic) proposed that the paragraph should be deleted.

58. **Mr. Zahran** (Egypt) said that his delegation fully supported paragraph 30 (*bis*) proposed by the non-aligned countries in document NPT/CONF.2000/MC.II/CRP.7.

Paragraphs 37 and 38

59. **The Chairman** drew attention to document NPT/CONF.2000/MC.II/CRP.8, which contained drafting suggestions with regard to paragraph 37.

60. **Mr. Stromberg** (Sweden) said that the language in the second line of paragraph 37 could be made more positive by saying that the Conference "notes with appreciation" or "notes and welcomes" instead of simply "notes".

61. **Mr. Gerstler** (Germany) stressed that prudence was of the essence in the use of weapons-useable material for peaceful purposes and drew attention to his country's proposal to redraft paragraph 37 in document NPT/CONF.2000/MC.II/CRP.10.

62. **Ms. Jorge-Cholula** (Mexico) said that paragraph 37, as currently drafted, was unacceptable.

63. **Mr. Rosenthal** (United States of America) drew attention to the suggestions put forward by his delegation in document NPT/CONF.2000/MC.II/CRP.8. Matters would be greatly simplified if the Committee discussed the situation with respect to the use of highly enriched uranium in research reactors and matters related to plutonium as separate subjects.

64. **Mr. Kuchinov** (Russian Federation) proposed that the last sentence of paragraph 38, which dealt with highly enriched uranium, should be deleted, since no decision had been taken on that issue.

65. **Mr. Biggs** (Australia) said that that sentence had not been meant to imply that the question of highly enriched uranium had been settled. It was meant to encourage efforts towards that end. That was a very important objective.

66. **Mr. Fu Zhigang** (China) said that he supported the Russian Federation's proposal.

67. **Mr. Neve** (United Kingdom), referring to the fourth line of paragraph 38, proposed that the expression "laying down policies" should be replaced with the words "setting out the policies" to avoid implying that the guidelines were actually establishing a new set of policies, which was not generally the case. With respect to the last sentence of that paragraph, he agreed that it was premature to include a reference to the establishment of similar guidelines for highly enriched uranium. That sentence could either be deleted or reworded to read: "Furthermore, the Conference encourages the States concerned to adopt and implement similar policies for the management of highly enriched uranium.".

68. **Mr. Yturriaga** (Spain) said that, while he had no objection to the text proposed by the United Kingdom, he believed that the last sentence must be retained. It might be premature to take up the question immediately but it was important to emphasize that the Conference supported efforts towards that end.

69. **Mr. Stromberg** (Sweden) expressed support for the Australian delegation's position.

70. **Mr. Zahran** (Egypt) said that the proposal made by the non-aligned countries should be reflected in paragraph 38. In the first line, the expression "welcomes the additional" should be replaced by the word "encourages". In the fifth line, the words "have decided to" should be replaced by the word "would". In the second sentence, the word "encourages" should be replaced by the words "calls upon". The last sentence should be retained.

71. **Ms. Hallum** (New Zealand) said that she agreed with the Australian delegation that the final sentence should be retained. Noting that the additional language proposed by the United Kingdom further clarified the sentence, she wondered whether the Australian and United Kingdom proposals could not be combined.

Paragraphs 39 and 40

72. **Mr. Bernhardsen** (Norway) suggested that the language proposed by his delegation in paragraph 2 of document NPT/CONF.2000/MC.II/WP.12 could be added to the end of paragraph 40. The physical protection of nuclear materials was the primary barrier against unauthorized access to materials, and

controlling the materials at the facility level would limit the proliferation risk substantially. The physical protection of nuclear materials was a State responsibility, and the relevant requirements should be part of national nuclear legislation. Traditionally, such requirements had been based on international guidelines, but there were great variations at the national level as to the extent to which the IAEA standards were being implemented in different countries, due to technical, financial and other differences.

73. Currently, the IAEA standards for physical protection contained in INFCIRC/225/Rev.4 (corrected) were recommendatory in nature, and the Convention on the Physical Protection of Nuclear Material applied only to such material in international transit. A more coherent and stronger international approach to physical protection requirements was needed. Strengthening international standards and the Convention on Physical Protection was therefore an important step towards reducing the threat of nuclear proliferation.

74. **Mr. Fu Zhigang** (China), referring to line 3 of paragraph 40, suggested adding the word "practicable" after the word "highest". The second sentence should be reworded to read: "The Conference acknowledges the responsibility of individual States for the physical protection of nuclear material within their territories and notes that international cooperation in physical protection is needed.".

75. **Mr. Friedrich** (Switzerland) said that he endorsed the Norwegian proposal.

76. **Mr. Delhaye** (Belgium), recalling that all issues relating to physical protection were currently the subject of a complex review process in IAEA, said that paragraph 40 was acceptable in its present form, as it had been drafted in a balanced manner and was open to change in the future.

77. **Mr. Casterton** (Canada), referring to a proposal by the representative of China, noted that the wording "highest standards" had been agreed on in 1995. Changing the wording could lead to the misinterpretation that those standards were being lowered.

78. **Mr. Gerstler** (Germany) emphasized that, in view of the discussions in Vienna on whether and how to enlarge the Convention on Physical Protection, he would hesitate to accept the Norwegian proposal and preferred to retain paragraph 40 in its current form.

79. **Mr. Ostrowski** (Poland) said that he supported the Norwegian point of view, stressing that cooperation might be insufficient and that some kind of regulation was required.

80. **Mr. Pinel** (France) said that he agreed with the representative of Belgium that revising the wording of paragraph 40 was an extremely sensitive issue, given the current state of affairs in the discussions in Vienna. The current text of the paragraph was well-balanced and should be retained.

81. **Mr. Neve** (United Kingdom) said that he supported the comments made by the representatives of France, Germany and Belgium.

82. **Mr. Schmidt** (Austria) said that he accepted the current wording of paragraph 40, but it should not restrict the discussions in Vienna in any way.

83. **Mr. Papadimitropoulos** (Greece) associated himself with the statement made by the representative of Austria.

Paragraphs 41-44

84. **The Chairman** drew attention to the drafting suggestion in document NPT/CONF.2000/MC.II/CRP.7 relating to paragraph 42.

Paragraph 45

85. **Mr. Lee Kie-cheon** (Republic of Korea) said that the words "both current and future" in the second sentence should be deleted, as, in some cases, there were also past nuclear activities that should be placed under IAEA safeguards.

86. **Ms. Raheem** (Syrian Arab Republic) suggested that the words "of the safeguards agreements" should be inserted in the first sentence after "subsidiary arrangements", for clarification.

87. **Mr. Ikeda** (Japan) said that the first sentence of paragraph 45 was not clear. Did "subsidiary arrangements with the IAEA" refer to safeguards agreements with the IAEA in accordance with article III, or did it refer to subsidiary arrangements to the safeguards agreements? The second sentence was already covered by paragraph 49 and should therefore be deleted.

Paragraph 46

88. **Ms. Raheem** (Syrian Arab Republic) said that paragraph 46 was contradictory. She did not see what the Director General of IAEA could have to negotiate with the countries that did not have significant nuclear activities. The paragraph should be deleted or redrafted.

89. **Mr. Zahran** (Egypt) said that the words "and the entry into force of such agreements" at the end of the second sentence should be deleted. The Director General was empowered to assist and facilitate the conclusion of safeguards agreements, but it was not within his power to facilitate their entry into force.

The meeting was suspended at 12.35 p.m. and resumed at 12.45 p.m.

Paragraphs 47-58

90. **The Chairman** noted that paragraphs 51 to 56 would be discussed in the framework of informal consultations on export controls.

91. **Mr. Gerstler** (Germany) referring to paragraph 47, proposed deleting the rest of the second sentence after the words "as possible" in order to avoid any incorrect legal interpretation with regard to the additional protocol.

92. **Mr. Raja Adnan** (Malaysia) proposed inserting the phrase "in particular those States parties with significant nuclear programmes" in the third last line of paragraph 47 following the words "urges all States parties", in order to emphasize the significance of the additional protocol for such States parties.

93. **Mr. Papadimitropoulos** (Greece) proposed deleting the references to the "plan of action" in paragraph 48, since it concerned activities to be taken on the part of IAEA. There seemed to be something missing in paragraphs 57 and 58. The paper submitted by the United States contained a proposal in connection with the operation of research reactors using low-enriched uranium, which should be included there.

94. **Ms. Raheem** (Syrian Arab Republic) said that paragraphs 47 and 48 contained a lot of repetition and could be combined in one paragraph, stating that the Conference welcomed the fact that some States had signed the Protocols and would invite other States to accelerate that process. Her delegation supported the proposal submitted by the non-aligned countries relating to paragraph 48 and stressed the need to name the three States referred to in paragraph 49 in the paragraph itself, rather than a footnote. In relation to paragraphs 50 and 51, she endorsed the amendments submitted by the non-aligned countries because they clarified the meaning of those paragraphs. Lastly, paragraphs 53 and 54 were ambiguous and should be reformulated.

95. **Mr. Ikeda** (Japan) reminded the Committee that conference room papers had been submitted on paragraphs 50 and 57. In paragraph 50, it should be made clear in the second sentence that support for IAEA safeguards activities would be contingent on its efforts to improve the cost-efficiency and effectiveness of those activities. The outcome of the discussions in Vienna should not, however, be prejudged. Paragraph 57 did not address the long-term arrangements for plutonium management. It might be better if the first line read "The Conference encourages States to consider further ways to improve the transparency of".

96. **Mr. Fu Zhigang** (China), referring to paragraph 48, shared the view expressed by the representative of Greece, that it would be better not to refer to the plan of action. Accordingly, the words "to consider a plan of action" in the second sentence and the entire third sentence should be deleted. In paragraph 50, the end of the first sentence should read "efficiently all its responsibilities, including safeguards". In the second sentence, the words "to make every effort" should be inserted after "Member States of the IAEA". Paragraph 57 should remain unchanged. Lastly, in paragraph 58, the words "with a view to broadening its scope" should be deleted, as informal discussions were still taking place.

97. **Mr. Casterton** (Canada) said that, earlier in the meeting, he had indicated that the Group of 10 had drafted a text concerning the relationship between INFCIRC/153 agreements, the additional protocol and paragraph 12 of the 1995 principles and objectives document. One of those proposals was relevant to paragraph 47: "The Conference notes the symbiotic relationship between the comprehensive safeguards agreements, INFCIRC/153, and the additional protocol, INFCIRC/540 (corrected). The Conference encourages States parties to aim towards establishing an INFCIRC/153-type safeguards agreement, coupled with an additional protocol, as constituting the IAEA full-scope safeguards referred to in paragraph 12 of Decision 2 of the 1995 NPT Conference." Those two

sentences set forth an important, forward-looking objective and could be included in paragraph 47, inserted as a separate paragraph, or added elsewhere within the documents of the Conference.

98. **Mr. Turner** (Slovakia) said that his delegation had views similar to those expressed by Japan concerning the last sentence of paragraph 50 regarding the new formula for financing of IAEA safeguards activities. As it was as yet premature to speak about how to proceed, it would suffice to state that IAEA Member States should discuss the issue, without saying how and when. He also shared the views of Japan and Germany on paragraph 27 relating to safeguards resources.

99. **Mr. Schmidt** (Austria) said that he supported the statement made by the representative of Canada in connection with paragraph 47. If the paragraph were to end after the word "possible", a very important element which related the paragraph to article III, paragraph 1, of the NPT would be lost. He therefore felt that the end of the second sentence should be retained.

100. **Ms. Jorge-Cholula** (Mexico) said that her delegation supported the proposed amendments in document NPT/CONF.2000/MC.II/CRP.7 and also wished to propose the deletion of the rest of the second sentence of paragraph 50 after the word "financing".

101. **Mr. Bompadre** (Argentina), referring to paragraph 50, recalled his delegation's proposal to delete the rest of the paragraph after the word "financing" in the fifth line. An additional sentence could be added, for example, "The Conference also takes note of current discussions concerning the funding of the Agency's safeguards activities.". The proposal made by Japan in document NPT/CONF.2000/MC.II/CRP.9 was also acceptable.

102. **Mr. Neve** (United Kingdom), referring to paragraph 57, said that the first part did not take account of the fact that some States had already adopted guidelines, while others, including the United Kingdom, were pursuing national measures and policies. The guidelines for plutonium management were not aimed solely at avoiding the stockpiling of nuclear material that could potentially be diverted to direct use for nuclear weapons. The balancing of supply and demand for civil plutonium was another of the factors to be taken into account. The paragraph was therefore unbalanced in its current form and should be reworded to read: "The Conference encourages States to continue to examine and adopt long-term arrangements for the management of plutonium and highly enriched uranium.".

103. **Mr. Zahran** (Egypt), referring to paragraph 47, said that the word "urges" in the second sentence should be replaced by the word "encourages", as the conclusion of additional protocols was not mandatory, but depended on the judgement and sovereign right of States. In paragraph 48, it was not appropriate to give equal treatment to safeguards agreements and additional protocols. In the first sentence, therefore, the reference to additional protocols and the words "it is imperative that" should be deleted. However, his delegation could accept a version of the paragraph stating that the conclusion of safeguards agreements and additional protocols would be encouraged. In addition, he proposed that the words "such agreements and protocols" at the end of the second sentence of paragraph 48 should be replaced by the phrase "safeguards agreements and protocols as a basis for further progress towards the conclusion of additional protocols".

104. Egypt, together with the other non-aligned countries, had also proposed an additional paragraph, 48 *bis*. The footnote to paragraph 49 should be integrated into the main text. The countries referred to should become parties to the Treaty without any further delay. Lastly, many speakers had insisted on adding a reference to the nuclear-weapon States to paragraph 50. That was the price those States had to pay for maintaining their nuclear-weapon status. When the elimination of nuclear weapons had taken place, they would have the same status as the rest of the international community.

105. **Mr. Fernandes** (Brazil) said that he shared the view of the representatives of Mexico and Argentina that paragraph 50 should end after the word "financing" in the fifth line. He could support the alternative proposal from Argentina, or the proposal from Japan contained in document NPT/CONF.2000/MC.II/CRP.9.

106. **Mr. Ikeda** (Japan) said that he supported the proposal by the non-aligned countries concerning the second sentence of paragraph 48 since the action-oriented part of the paragraph was very important. The Conference had to send the message that IAEA and its Member States were considering a plan of action. The paragraph should be retained, together with the

amendments proposed by the non-aligned countries and Egypt.

107. **Ms. Sriswasdi** (Thailand) said that she supported the proposal by the non-aligned countries concerning paragraph 48 and the new paragraph 48 *bis*. Her delegation also preferred to retain the last part of paragraph 48 in its current form, as it complemented the regional efforts being made, and was significant in the context of future cooperation.

108. **Mr. Kuchinov** (Russian Federation), referring to the first sentence of paragraph 58, proposed deleting the words "and other international instruments on the physical protection of nuclear materials and nuclear facilities" because he was not aware of any such instruments, other than the Convention on Physical Protection. In relation to paragraph 49, the names of those States not yet party to the Treaty should be included in the main text, rather than the footnote. Only three of those mentioned did not have comprehensive safeguards agreements with the Agency, as Cuba had a full-scope agreement with the Agency, as well as an additional protocol. Finally, he could not agree with the proposal by the representative of Canada to connect the additional protocol and paragraph 12 of Decision 2 of the 1995 Conference.

109. **Mr. Lee Kie-cheon** (Republic of Korea) said it was important to have a clear picture of what was stated in the action-oriented recommendations. Paragraphs 45 to 58 should not be the only recommendations, and the Committee should consider the proposals made by the United States and other delegations to see what other elements could be included.

110. In connection with the proposal to delete paragraphs 45 and 46, the universal application of IAEA safeguards agreements and additional protocols would play a pivotal role in strengthening non-proliferation in the twenty-first century. He believed that the call by the Conference urging all States parties concerned to conclude and bring into force safeguards agreements and additional protocols should be reflected in the final recommendations as one of the most important elements. Paragraphs 45, 46 and 47 should be retained, as amended by several delegations. Paragraph 48 did seem to contain some repetition, and should therefore begin with the words "The Conference recommends" in the second sentence.

111. **Mr. Rosenthal** (United States of America), referring to paragraph 57, proposed making it more action-oriented by replacing the word "examine" with "adopt" and the phrase "in order to" with the words "that would". In response to the statement by the Russian Federation, he suggested that, while Cuba did not have unsafeguarded nuclear activities, it did lack a comprehensive safeguards agreement. The IAEA could be asked to confirm that point.

Paragraph 10

112. **Mr. Al-Hassan** (Oman), referring to the second footnote to paragraph 10, noted that Oman was included in the list of countries which had yet to conclude safeguards agreements with IAEA. However, Oman had signed the NPT in 1997 and had entered into a safeguards agreement that had been approved by the General Conference on 20 September 1999. As the process of entering into a safeguards agreement had been started, and no problems were foreseen, its conclusion could be considered a fait accompli. The footnote should be deleted, and IAEA should be requested to submit the most up-to-date information, as the information in the document seemed to be from 1999. His country was a very strong advocate of the NPT, and took its commitments seriously.

113. **Mr. Althagafi** (Saudi Arabia) supported the view of the Non-Aligned Movement that the second footnote should be deleted. He also reiterated that his country's position also applied to paragraph 6 of the report of the Chairman of the Subsidiary Body discussed on the previous day.

114. **Mr. Al-Otaibi** (Kuwait) reiterated his delegation's full support for the position of the Non-Aligned Movement on paragraph 10. His country had acceded to the NPT on 17 November 1989 and had concluded and signed a safeguards agreement on 10 May 1999, although the procedure was not yet fully completed.

115. **Mr. Rosenthal** (United States of America), referring to paragraph 10, said that his delegation had no objection to the footnote being removed. If it were deleted, the other footnotes should also be deleted.

116. **Mr. Al-Neyadi** (United Arab Emirates) and **Mr. Raja Adnan** (Malaysia) said that they agreed that the footnotes should be deleted.

Paragraph 6

117. **Mr. Hasan** (Iraq) said that his delegation had already expressed the view that paragraph 6 of the Committee's draft report was neither objective nor related to the work of the Conference and should, therefore, be deleted. On the previous day, the IAEA representative had made a statement on the status of Iraq's compliance with the safeguards regime. That statement had been written by the United States, and IAEA had simply rubber-stamped it. It reminded his delegation of the statements made by Richard Butler, which had been written in the United States Mission and then sealed with the United Nations stamp.

118. The statement ran counter to the objectives and principles of the NPT, the statute of IAEA, and its safeguards regime. Indeed, it contradicted previous statements made by IAEA. It was almost an exact reproduction of the statement made by a United States representative in a previous meeting. The contradiction and lack of fairness were demonstrated by the following. The first paragraph referred to past events, which had no relation to the period being reviewed by the Conference.

119. The second paragraph of the statement contradicted itself. At the beginning, it stated that safeguards activities had taken place since 1991 within the IAEA activities mandated by Security Council resolutions. Then it concluded that IAEA was unable to state that Iraq had complied with its safeguards agreement. That meant that IAEA, between 1991 and 1999, had renounced its obligation to ensure the implementation of the safeguards agreement, and at the same time implied that Iraq had not complied with that agreement.

120. IAEA had been called upon to continue its activities under the safeguards agreement since 1991. It would seem that the Agency had decided to subsume the safeguards agreement into the regime of inspections, espionage and acts of provocation carried out by the United States inspectors. The latter, using the most sophisticated technical means available, had carried out thousands of inspection and monitoring operations over eight years. At the end, IAEA had concluded that the Iraqi nuclear programme had reached point zero. In that case, what did Iraq have to do for IAEA to say that it had complied with the safeguards agreement?

121. According to the so-called IAEA statement, the Agency had carried out in January 2000 a physical inventory verification of the nuclear material subject to safeguards in Iraq with the limited objective of verifying the presence of the declared nuclear material. That was an erroneous description of the inspection that had taken place in Iraq in January 2000 under the safeguards agreement between IAEA and Iraq. All nuclear facilities in Iraq had been destroyed, nuclear fuel had been transferred out of Iraq, and all the peaceful nuclear activities in Iraq had come to a halt. The only remaining task under the safeguards agreement, as the Agency itself had admitted, was to verify the nuclear material. Why then did the statement describe that inspection as one with a "limited objective"? What were the other objectives under the safeguards regime which IAEA had been supposed to achieve, but had not been able to?

122. The Agency's statement further indicated: "This inspection is not however sufficient to provide assurance that Iraq is in full compliance with all its safeguards obligations.", which was simply untrue. The safeguards agreement was clear, and the activities covered under it were well known. IAEA had requested the resumption of the inspections in its letter of December 1999 (S/2000/120). Iraq had agreed and an IAEA inspection team had carried out its mission in Iraq in January 2000. IAEA, in its letter to the Security Council of 10 April 2000 (S/2000/300) had stated "The Agency inspectors were able to verify the nuclear material subject to safeguards, which consists of low enriched, natural and depleted uranium. Iraq provided the necessary cooperation for the inspection team to perform its activities effectively and efficiently." What, then, would compliance with the safeguards regime be?

123. The IAEA statement said that it had no assurance that Iraq did not divert its nuclear materials, nor did it have assurance of the non-existence of undeclared nuclear activities. That was extremely irrational. It contradicted the statement made by the IAEA Director General after the conclusion of the January inspection. Saying that the Agency did not have any assurances that there were no undeclared nuclear activities was the same as insisting that a party was guilty until proven innocent, the exact opposite of the legal principle usually applied. The United States had attempted for many years to impose that logic on the United Nations, to justify the continued imposition of comprehensive sanctions against Iraq. It was calling on Iraq to prove a

negative assertion. That logic had to be rejected and IAEA should state that it had completed its tasks under the safeguards agreement. If the Agency had any factual evidence as to Iraq's lack of compliance with the safeguards agreement, it should submit that evidence to the Board of Governors and the international community as a whole. To continue a policy of genocide under the pretext of doubt and suspicion was illegal and immoral.

124. The last sentence of the United States/IAEA statement said that it was necessary, until the Security Council decided otherwise, for IAEA to resume its verification activities under the relevant Security Council resolutions, including those under the NPT safeguards. That showed that the authors of the statement were not interested in implementing the safeguards agreements with Iraq or in strengthening the relationship between Iraq and IAEA. They actually sought to confuse the Agency's professional, technical and neutral tasks with the coercive measures imposed on Iraq. Such an attitude would destroy the credibility and independence of the safeguards regime and undermine the credibility of both IAEA and the NPT.

Other matters

125. **Mr. Ostrowski** (Poland) announced that the ratification instruments for the additional protocol concluded between Poland and IAEA in 1997 had been delivered to the Director General on 5 May 2000 and had been duly acknowledged.

The meeting rose at 1.40 p.m.